IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1362 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

BABUBHAI BHANABHAI VASAVA - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :
MR MM TIRMIZI for Applicant(s) : 1,
MR M.R.MENGDEY, ADDL. PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 10/08/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner – original

complainant has made a grievance that inspite of the complaint to the P.S.I., Kosamba Police Station dated 11.12.2006, the same was not registered as FIR and therefore, the petitioner approached the D.S.P. (Rural), Surat making a grievance against non-registration of the FIR by the concerned Police Officer of Kosamba police station.

Considering the provisions of Section 154(3) of the Cr.P.C. - ***"Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) of Section 154 may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by the Cr.P.C."***

Under the circumstances, when the petitioner has already now approached the D.S.P.,

(Rural), Surat, the D.S.P.(Rural), Surat is directed to look into the information / application submitted by the petitioner on 11.12.2006 and if he is satisfied that such information discloses the commission of a cognizable offence, he is directed to either investigate the case himself or direct an investigation to be made by any police officer subordinate to him. Thus, the concerned D.S.P. (Ruarl), Surat is directed to act as per Section 154(3) of the Cr.P.C. Such an exercise to be carried out within a four weeks from today.

With these, present application is disposed of. Direct Service is permitted.

(M.R.Shah, J.)

satish